

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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PAUL VASSEL,

Plaintiff,

**MEMORANDUM & ORDER**

19-CV-3241 (EK) (RER)

-against-

PALISADES FUNDING CORP., WILLFREDO  
TORO, RICHARD NATHANIEL, JUDE  
REIMBEAU, GREGORY NUZZI, et al.,

Defendants.

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ERIC KOMITEE, United States District Judge:

The Court has received Magistrate Judge Reyes's comprehensive Report and Recommendation (R&R) dated September 9, 2022. ECF No. 64. Judge Reyes recommends that I grant the City Defendants' (as defined in the R&R) motion to dismiss this action pursuant to Rules 37 and 41(b) of the Federal Rules of Civil Procedure based on Plaintiff's repeated failures to comply with the Court's discovery orders. He also recommends that I deny Plaintiff's request to compel production of certain video footage and motion for sanctions against the City Defendants' counsel.

Plaintiff timely objected, arguing that the Court should excuse his actions – and inaction – because he is “not

schooled at law" and in the "court's rule[s] and procedures."  
ECF No. 65 at 2.

A district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). The district court reviews *de novo* those portions of an R&R to which a party has specifically objected. *Id.*; Fed. R. Civ. P. 72(b)(3); *see also Kruger v. Virgin Atl. Airways, Ltd.*, 976 F. Supp. 2d 290, 296 (E.D.N.Y. 2013) ("A proper objection is one that identifies the specific portions of the R&R that the objector asserts are erroneous and provides a basis for this assertion."), *aff'd*, 578 F. App'x 51 (2d Cir. 2014). When considering the objections of a *pro se* litigant, the Court interprets those objections to raise the strongest arguments that they suggest. *See Spaulding v. N.Y.C. Dep't of Educ.*, 407 F. Supp. 3d 143, 144 (E.D.N.Y. 2017). As to the portions of the R&R to which no party has objected, the Court reviews for clear error on the face of the record. *See* Advisory Comm. Notes to Fed. R. Civ. P. 72(b); *accord State Farm Mut. Auto. Ins. Co. v. Grafman*, 968 F. Supp. 2d 480, 481 (E.D.N.Y. 2013).

Plaintiff's objection that he is not schooled in the law is not the type of objection that might implicate the standard of review here. He identifies no specific portion of the R&R that is supposedly erroneous. Thus, I have reviewed the

R&R for clear error; I conclude that the recommendations contained therein are well-supported in law and fact, and therefore adopt it in its entirety.

Accordingly, the City Defendants' motion to dismiss is granted, and Plaintiff's request to compel discovery and motion for sanctions are denied. This action is therefore dismissed with prejudice. The Clerk of Court is respectfully directed to enter judgment and close this case.

SO ORDERED.

/s/ Eric Komitee  
ERIC KOMITEE  
United States District Judge

Dated: September 22, 2023  
Brooklyn, New York